IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4675 OF 1997

Kirloskar Pneumatic Kamgar Sangh
and others. ... ... Petitioners.
Versus
Kirloskar Pneumatic Co.Ltd.& Anr... Respondents.

Mr.S. M. Dharap for the Petitioners.

Mr.Chander Uday Singh i/by M/s. Haresh Mehta & Co., for Respondent No.1.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 19TH JANUARY, 2007.

P.C.:

This petition has been filed to challenge the interim order passed by the Industrial Court on 22nd September, 1997 in Complaint (ULP) No. 6298 of 1997. By this order, the Industrial Court had granted interim relief to the respondent company in a complaint filed by it under Item 5 of Schedule III of the M.R.T.U. & P.U.L.P. Act.

2. The interim relief, which was granted, is as follows:

"1. The interim relief application is partly allowed.

2. The respondents or the members of respondent no.1 either through the office bearers of respondent no.1 or through their agents, representatives, supporters or sympathisers are restrained from instigating or causing or arranging demonstrations, picketing or staging dharnas at premises of the complainant company at its plants at Hadapsar-Pune and at Saswad, Tal. Purandar, Dist. Pune or from erecting any tents, huts or such other temporary sheds of tarpaulin or otherwise within 100 meters from the gates or preventing egress and ingress of men, material, trucks, cars and other vehicles including bullock carts by crowding round at the gates of the premises of the complainant at Hadapsar-Pune and at Saswad, Tal. Purandar, Dist. Pune or at and from venue of the Annual General Meeting on 24-9-1997 at 10.30 a.m. at Mahratta Chamber of Commerce, Tilak Road,

Pune - 411 002.

3. The respondents, their agents, representatives as well as members of respondent no.1, its supporters or sympathisers either themselves, its office bearers, delegates, active members and workmen or through its office bearers, or through their family members or friends are further restrained from instigating or causing or arranging demonstrations, picketing or staging dharna or dharnas, individually or collectively, either through utilising the services or employing the wives and other family members of the workmen, at the premises of the complainant company at Hadapsar-Pune and Saswad, Tal. Purandar, Dist. Pune, within 100 meters from the gates of the said plants and/or from places/venues of the Annual General Meeting and other meetings of the complainant company.

4. The respondents, their agents, representatives as well as members of

respondent no.1 are restrained from disturbing, creating chaos, disorder in the meetings of the complainant either at Annual General Meeting scheduled to be held on 24th September, 1997 or otherwise at any place in the area of operation of the complainant, whenever held, conducted or otherwise convened."

3. When the petition was admitted, this order was modified to the extent that the respondent no.1 in the complaint i.e. the petitioner herein was not entitled to hold demonstrations, picketing or dharnas within the premises of the respondent company at its plant at Hadapsar-Pune and at Saswad, Taluka Purandar, Dist. Pune. This Court had directed that while holding demonstrations, picketing or staging dharnas outside the premises of the respondent company, the members of the petitioner Union should not prevent ingress and egress of men, material and trucks, etc. by crowding around the gates of the company.

4. The order of the Industrial Court, as modified by this Court, has been holding the field for the last

ten years. In my view, no purpose would be served in deciding the petition in respect of an interim order passed 10 years ago. It would be appropriate, therefore, to dispose of the writ petition by the following order:

(1) The interim order of the Industrial Court dated 22nd September, 1997 as modified by the order of this Court dated 17th October, 1997 shall continue pending the hearing and final disposal of the complaint.

(2) All contentions of the petitioners and the respondents are left open and can be raised before the Industrial Court when the complaint is heard.

Writ Petition disposed of, accordingly.

Rule discharged in terms aforesaid.

No costs.

Sd/-

(SMT.NISHITA MHATRE, J.)